

May 2006

KENTUCKY SMALL & FARM WINERIES

Recently it has come to the attention of the ABC, that some small and farm wineries may be confused about when it's legal to give free or complimentary samples of wine to the public. Therefore, we would like to take this opportunity to clear up any misconceptions you may have regarding this issue.

First, Kentucky laws KRS 243.155(1) (b) and 243.156(1) (b) allow small wineries to give 6 oz. and farm wineries to give 4 oz. free or complimentary samples of the wine they produce when a patron or customer **visits their licensed winery premises**. This privilege is also extended to the **licensed premises** where wineries may hold an off-premises retail site license. This means there are only two (2) places a small or farm winery may give free samples and both of these locations must be **LICENSED BY THE WINERY**.

Second, Kentucky laws KRS 243.155 (1) (c) and 243.156 (1) (g) allow small and farm wineries to **SELL** wine produced by their winery at fairs, festivals, or other similar types of events in wet territories. **WINERIES MAY NOT GIVE FREE OR COMPLIMENTARY SAMPLES AT THESE EVENTS.**

Lastly, we have received numerous questions regarding what qualifies as approved "similar types of events". It might be easier to list what does not qualify as an approved event. Wedding receptions, yard sales and private parties are not approved events. If you are in doubt about an event please contact our Administrators at 502/564-4850 for guidance.

NEW LAWS SIGNED BY GOVERNOR

On March 28, 2006 Governor Fletcher signed two bills into law, SB56 and SB97. These new laws will become effective in July.

SB97—TRANSITIONAL LICENSE

This statute will allow the Office of Alcoholic Beverage Control to issue a transitional license during the time a transfer of an ongoing business is being processed; this law will provide limitations on the use of the transitional license.

SB56—RECORKING WINE BOTTLES

This law will permit a restaurant licensee to allow a patron to remove an opened or partially consumed bottle of wine from the restaurant for consumption off premises. The law requires the restaurant or its employee to reseal the wine and place the bottle in a bag or other container where the bottle's subsequent opening or tampering with can be detected and requires the restaurant licensee or its employees to attach a dated receipt for the purchase of the wine and meal to the bag or container.

LOCAL OPTION ELECTION

On, Tuesday, April 4, 2006, an election was held in the Hogtown Precinct of Rowan County to decide whether to allow the sale of wine at the CCC Trail Vineyard. The measure passed 127 to 46.